

The Unified Judicial System of Alabama



**2002
Annual Report**



We, the people of the State of Alabama, in order to establish justice, insure domestic tranquility, and secure the blessings of liberty to ourselves and our posterity, invoking the favor and guidance of Almighty God, do ordain and establish the following Constitution and form of government for the State of Alabama:

Preamble, Constitution of Alabama 1901

Except as otherwise provided by this Constitution, the judicial power of the state shall be vested exclusively in a unified judicial system which shall consist of a supreme court, a court of criminal *appeals*, a court of civil *appeals*, a trial court of general jurisdiction known as the circuit court, a trial court of limited jurisdiction known as the district court, a probate court and such municipal courts as may be provided by law.



FY**—2002 Annual Report

Contents*

Letter of Transmittal from the Administrative Director	2
Message from the Chief Justice	3
The Unified Judicial System	4
The Unified Judicial System—Structure and Jurisdiction	5
The Supreme Court of Alabama	6
Alabama Court of Criminal Appeals	8
Alabama Court of Civil Appeals	9
Supreme Court and State Law Library	10
The Administrative Office of Courts	11
Budget of the Judiciary	14
Court of the Judiciary	15
Alabama Circuit, District, Municipal and Probate Courts	16
Alabama Judicial Circuits	17

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*THE UNIFIED JUDICIAL SYSTEM OF ALABAMA STATISTICAL ADDENDUM IS AVAILABLE UPON REQUEST.
**THE FISCAL YEAR FOR THE UNIFIED JUDICIAL SYSTEM OF ALABAMA IS FROM OCTOBER 1 THRU SEPTEMBER 30.





Letter of Transmittal



DR. RICH HOBSON
ADMINISTRATIVE DIRECTOR
OF COURTS
2002

Dear Chief Justice Moore:

In accordance with §12-5-10, Code of Alabama 1975, I am pleased to submit the 2002 Annual Report for the Alabama Unified Judicial System. This report is an overview of events and a compendium of statistical data for the period from October 1, 2001, through September 30, 2002. In-depth trial court statistical data are available in an addendum to this report.

The accomplishments made during FY 2002 reflect the dedication of judges, circuit clerks, and employees of the Alabama Unified Judicial System to the administration of justice and the management of judicial processes.

I hope this report provides the citizens of Alabama with an increased understanding of the judicial system and a reassurance that our courts are providing judicial services in an effective and cost-efficient manner.

Sincerely,

Rich Hobson

Administrative Director of Courts





Message from the Chief Justice

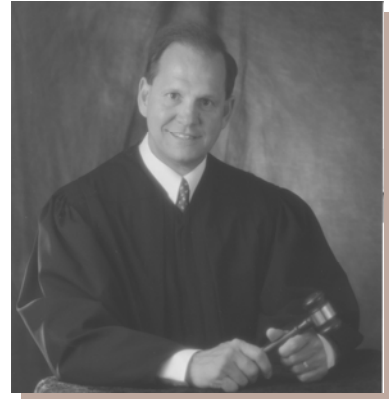
To those dedicated men and women of the
Unified Judicial System:

I am proud to be a part of a system which has been a model for many states over the 25 past years. It has been my pleasure to represent the many fine judges, circuit clerks, court reporters and administrative personnel who make up our Unified Judicial System, or the UJS as it is commonly known.

Although our courts have suffered a severe financial deficit during the past two years, the loyalty and dedication of the men and women who comprise the UJS has never wavered. Your competence and perseverance under pressure has gained the attention of the Governor and members of the Legislature who have pledged their support to reverse budget shortfalls which we have suffered over the last 18 years. Today we face a brighter and more promising future thanks to your combined efforts.

While we miss many individuals who have chosen a just retirement after years of dedicated service, the character and integrity of those who have followed in their footsteps promises to secure our future as a model of efficiency and professionalism.

The Constitution of Alabama which all judges and officers are sworn to uphold begins with a simple recognition that in order to establish justice we must invoke the "... favor and guidance of Almighty God." Let us join together in thanking that gracious God for the opportunity we share in serving the people of Alabama who depend upon us for the fair and impartial administration of justice in our State. Our goal remains fixed, to do justly, to love mercy, and to walk humbly with our God.



ROY S. MOORE
CHIEF JUSTICE
2002

Sincerely,

Roy S. Moore
Chief Justice





Alabama's Unified Judicial System



The Judicial Article Implementation Act (Act 1205) of 1975 revised the Alabama Court System and prescribed the pattern for its operation.

The major changes included:

- Over 400 trial courts were reorganized into a unified system.
- Judges were required to be lawyers (Probate Judges excluded).
- Uniform jurisdictions were established for all trial courts.
- Judges were prohibited from re-election or appointment after age 70.
- Authority was granted to the Supreme Court to adopt rules pertaining to the administration of courts governing practice and procedure.
- Provisions provided for the adoption of "Canons of Judicial Ethics."
- Provisions were made for the flexible assignment of judges.
- A central judicial administration system was built into the Constitution.
- Provisions were made for a Judicial Compensation Commission.
- A Judicial Inquiry Commission and a Court of the Judiciary were created.

***"I am confident
that, as a separate
and co-equal
branch of govern-
ment, we will main-
tain the high stan-
dards of our pro-
fession."***

**Roy S. Moore
Chief Justice**

Amendment 328 of the Alabama Constitution of 1901 further provided for the exclusive judicial power of the State to be vested in a Unified Judicial System, to become effective January 17, 1977. Today, the Alabama Supreme Court, Court of Criminal Appeals, Court of Civil Appeals and the Administrative Office of Courts all operate from within a single location in Montgomery, Alabama. This administration is seeking to improve an already efficient system by working diligently to continue this moral, efficient, and economical administration of justice.





Alabama's Unified Judicial System

Structure & Jurisdiction

Supreme Court

9 Elected Justices (Including the Chief Justice), Originated in 1819

Mandatory or Exclusive Jurisdiction:

- ♦ Civil Appeals Exceeding \$50,000
- ♦ Alabama Public Service Commission Appeals, regarding: Utility Rates
- ♦ Alabama State Bar Administrative Matters and Appeals of Disciplinary Matters
- ♦ Petitions Seeking Extraordinary Relief

Discretionary Authority:

- ♦ Petitions for Certiorari
- ♦ All Cases Decided by Civil and Criminal Appeals
- ♦ Questions Certified by the Federal Court, regarding: Alabama Law
- ♦ Issuing Advisory Opinions Requested by the Governor or either House of the Legislature

Criminal Appeals

5 Elected Judges, Originated in 1969

Exclusive Appellate Jurisdiction:

- ♦ All Criminal Appeals
- ♦ Post Conviction Writs
- ♦ Remedial Writs for Criminal Trial Courts

Civil Appeals

5 Elected Judges, Originated in 1969

Original Appellate Jurisdiction:

- ♦ Appeals of Civil Cases where Controversy does not Exceed \$50,000
- ♦ Appeals From Administrative Agencies other than the Public Service Commission
- ♦ All Appeals in Workers' Compensation Cases
- ♦ Appeals Deflected from the Alabama Supreme Court

Circuit Court

41 Circuits, 142 Elected Judges

Exclusive Original Jurisdiction:

- ♦ Felony Prosecutions and Lesser-Included Offenses
- ♦ Civil Matters where Controversy Exceeds \$10,000 not including Interest and Costs
- ♦ Domestic Relations

Original Concurrent Jurisdiction (With District Court):

- ♦ Juvenile Matters
- ♦ Matters where Controversy between \$3,000 and \$10,000 not including Interest and Costs

Appellate Jurisdiction (trial de novo):

- ♦ Civil, Criminal, and Juvenile Cases in District Court
- ♦ Ordinance Violations in Municipal Court

District Court

67 Districts, 102 Elected Judges

Original Jurisdiction:

- ♦ Criminal Misdemeanors
- ♦ Preliminary Hearings in Felony Prosecutions

Concurrent Jurisdiction (With Circuit Court):

- ♦ Juvenile Matters
- ♦ Civil Actions with Controversy between \$3,000 and \$10,000

Exclusive Jurisdiction:

- ♦ Civil Matters with Controversy not Exceeding \$3,000

Municipal Court

263 Courts, 315 Appointed Judges

Limited Jurisdiction:

- ♦ Prosecutions for Municipal Ordinance Violations within City Limits and Police Jurisdiction
- ♦ State Law Violations when Incorporated into Municipalities Ordinances

Probate Court

68 Courts, 68 Elected Judges

Limited County Jurisdiction:

- ♦ Administration of Estates
- ♦ Matters Dealing with Probate of Wills
- ♦ Adoption Proceedings not Removed
- ♦ Recording of Land Sales and Partitions
- ♦ Maintenance of County Indexes

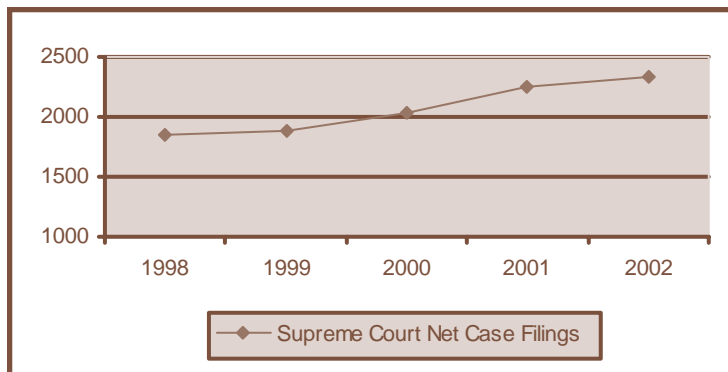




The Supreme Court of Alabama



TOP: Harold F. See, Thomas A. Woodall, Roy S. Moore (CJ), Douglas Inge Johnstone, Robert Bernard Harwood, Jr.
BOTTOM: Jean Williams Brown, J. Gorman Houston, Jr., Lyn Stuart, and Champ Lyons, Jr.



The Alabama Supreme Court, Alabama's court of last resort, is composed of a Chief Justice and eight Associate Justices. All members of the Court are elected in statewide elections to six-year terms. The Supreme Court has general supervisory authority over all courts in the State and the power to review any judgment of these courts. In addition, the Supreme Court has the authority to make administrative rules and regulations to ensure the efficient and speedy administration of justice.

To facilitate the decision-making process, the Supreme Court has traditionally been divided into two divisions with a panel of four justices each. The Chief Justice sits on both divisions. If the five members of a division disagree on the disposition of a particular case, the case must be submitted to the entire Court for resolution. The Court's internal rules require consideration by the full Court of petitions for certiorari review in capital cases in which the death penalty is imposed, cases declaring a statute unconstitutional, advisory opinions to the Governor or the Legislature, utility rate cases; cases overruling a previous decision of the Supreme Court, and petitions for certiorari review in instances where the Supreme Court is reversing a judgment of the Court of Criminal Appeals or the Court of Civil Appeals.





The Supreme Court of Alabama

Alabama Supreme Court FILINGS AND DISPOSITIONS REPORT 10/01/2001 through 09/30/2002

Case Type	Cases Filed	Cases Disposed	Thruput	Pending at Start	Pending at End	Net Change
Advisory Opinion	3	4	133.33	1	0	-1
Direct Appeal	906	960	105.96	440	387	-53
Alabama State Bar Petition	10	9	90.00	1	2	1
Certified Question	8	7	87.50	5	6	1
Petition for Writ of Certiorari to the Court of Criminal Appeals	738	822	111.38	250	167	-83
Petition for Writ of Certiorari to the Court of Criminal Appeals (DEATH PENALTY)	7	3	42.85	2	6	4
Petition for Writ of Certiorari to the Court of Civil Appeals	304	294	96.71	110	120	10
Miscellaneous Criminal Petition	9	9	100.00	0	0	0
Miscellaneous Civil Petition	6	8	133.33	2	0	-2
Petition for Permission to Appeal	39	49	125.64	19	9	-10
Petition for Writ of Mandamus: Criminal	84	95	113.09	25	14	-11
Petition for Writ of Mandamus: Civil	217	232	106.91	72	57	-15
REPORT TOTAL	2,331	2,492	106.90	927	768	-159

Number of Deflected Cases: 276
Percent of Cases Disposed by Deflection: 11.07

Number of Reinstated Cases: 51
Number of Reinstated Cases Disposed: 25

Number of Decisions without opinion: 2,270
Number of Decisions with opinion: 429

Number of Rehearings filed: 190
Number of Rehearing rulings: 173





Alabama Court of Criminal Appeals



Greg Shaw, Sue Bell Cobb, H.W. "Bucky" McMillan (Presiding), Pamela Willis Baschab, and Kelli Wise

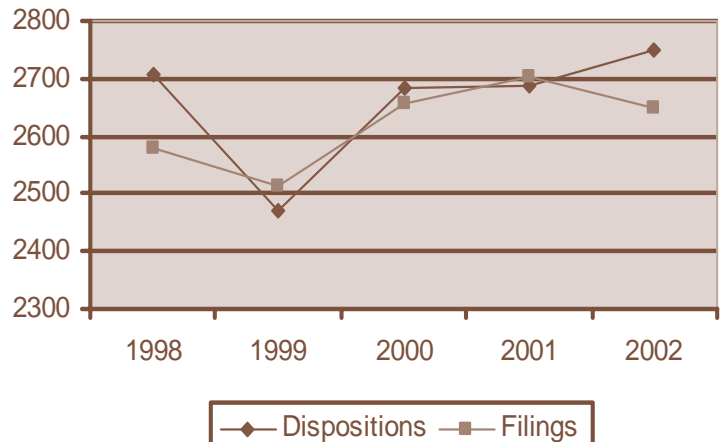
The Alabama Court of Criminal Appeals is a five-judge court having exclusive appellate jurisdiction of all criminal cases, including all post-conviction writs arising from there. The Court has authority to issue remedial writs necessary to give it general superintendence and control over all trial courts exercising jurisdiction in criminal proceedings. Judgments of the Court of Criminal Appeals are subject to discretionary review by the Alabama Supreme Court. During the 2002 Term, the Court was assisted by Retired Judge John Patterson.

In 1989 the Supreme Court, by order, set as a goal in direct appeal cases a 280-day time standard that ran from notice of appeal or the filing of a petition to the initial decision. In April 1995, the original goal was modified to conform to the Time Standards Reference Models recommended by the American Bar Association. The current goal is to issue rulings in 75 percent of all cases within 290 days from their start and in 95 percent of all cases within 365 days. In the 2002 Term, 95.06 percent of all the initial decisions by the Court of Criminal Appeals were released within the 290-day goal and 98.44 percent were released within the 365-day goal. In this term, the average time from start to the initial decision was only 128 days, a seven-day decrease in the average time from start to initial decision in the preceding term and only three days longer than the record low set in the 2000 Term. The average time from start to initial decision in submitted cases decreased by 13 days, from 188 days in the 2001 Term to a record low of only 175 days in the 2002 Term.

COURT of CRIMINAL APPEALS ANALYSIS of FILINGS by CASE TYPE (FY 2002)

Appeals Filed

	# of Cases	% of Appeals	% of Total
Convictions Appealed (Death)	10	.4	.4
Convictions Appealed (Municipal)	28	1.2	1.1
Convictions Appealed (Other)	911	40.6	34.4
Rule 32 Appeals (Death)	15	.7	.6
Rule 32 Appeals (Non-Death)	781	34.8	29.5
Juvenile Appeals	42	1.9	1.6
Probation Revocation	168	7.5	6.4
Restitution Order	3	.1	.1
Mandamus Appeal	4	.2	.2
Certiorari Appeal	25	1.1	.9
Habeas Appeal	163	7.3	6.2
State Pretrial Appeal	12	.5	.5
Contempt Adjudication	2	.1	.1
Other	80	3.6	3.0
Total No. Appeals Filed	2,244		84.7
Original Petitions	404		15.3
Total Cases Filed	2,648		



For the second year in a row, the Court issued more than 1,900 decisions in submitted cases.





Alabama Court of Civil Appeals



Craig Pittman, John B. Crawley, Sharon G. Yates (Presiding), William C. Thompson and Glenn Murdock

The Court of Civil Appeals, composed of a presiding judge and four associate judges, was created by the Alabama Legislature in 1969. The Court has original appellate jurisdiction in all civil appeals where the amount in controversy does not exceed \$50,000; in all appeals from administrative agencies, other than the Alabama Public Service Commission; in all appeals in workers' compensation cases; and in all appeals in domestic relations cases, including annulment, divorce, adoption, and child custody. All decisions of the Court are made en banc. Each judge is required to review each case submitted to the Court.

An application for rehearing is the method by which one, or both, of the parties requests the Court to reconsider its earlier decision in a case. Of the 897 cases that were disposed by submission and decision, 278 applications for rehearing were filed. Approximately 92.1% of the cases on rehearing had no change.

The Supreme Court ruled on 308 petitions for certiorari from the Court of Civil Appeals during FY 2002. Approximately 85.7% of those decisions were upheld by the Supreme Court.

Alabama Court of Civil Appeals

Types of Dispositions with Decisions (FY 2002)

	# of Cases	# of Cases without Opinions	Percent of Total Decisions
Affirmed	98	574	74.9%
Reversed	145	0	16.2%
Affirmed in Part/ Reversed in Part	47	0	5.2%
Other	33	0	3.7%
DECISIONS	323	574	100%
TOTAL OF DECISIONS	897		

Note: Decisions reflect both cases with opinion and affirmed without opinion.

Note: 99.6 percent submitted on brief; 0.4 percent orally argued

Types of Dispositions without Written Opinions (FY 2002)

	Number of Cases	% of Others Dispositions
Dismissed on Motion of Appellant	109	11.1
Dismissed for Failure to Prosecute	98	10.0
Dismissed on Appellee's Motion	21	2.1
Other	120	12.2
Transferred — Lack of Jurisdiction	61	6.2
Affirmed — No Opinion	574	58.4
TOTAL	983	100.0





Supreme Court and State Law Library



Today the Library, housed in Alabama's Judicial Building, serves the Alabama Appellate Courts, the Alabama Judicial System, and the people of the State of Alabama.

The Supreme Court and State Law Library may be contacted at:

334-242-4347



The Alabama Supreme Court and State Law Library is the oldest law library in Alabama. Established in 1828 as the Library Society of the Bench and Bar of the Supreme Court, it was a private, nonprofit organization with the purpose of providing a library for the "exclusive use of the Bench and Bar of the Supreme Court of the State." Today, the Law Library, a state agency, serves the Alabama Supreme Court, the Courts of Criminal and Civil Appeals, and all citizens of the State.

The Law Library has approximately 230,000 volumes in its collection, making it the second largest law library in the state. The Library is also one of the oldest U.S. Government Depository libraries in the United States, having been designated a depository in 1884. Currently, the Law Library occupies approximately 38,000 square feet. It is a public law library, and its hours of operation are 8:00 a.m. to 6:00 p.m. Monday through Friday. The Law Library collection contains all of the reported decisions of the state and federal appellate courts in the United States, and the statutes of all 50 states and the District of Columbia, plus Acts of Congress, the *United States Code* and the regulations of the various agencies of the U.S. Government. The Law Library's legal periodical collection is one of the best in the State with more than 1000 titles, while its rare book collection is considered one of the finest in the Southeastern United States. Unique to the collection are the briefs of Alabama Supreme Court cases beginning in 1965 and the papers of the Alabama Judicial College.

Beyond the role of the traditional library, the Supreme Court and State Law Library continues to pursue a strategic plan to remain on the forefront of technology. To this end, the Law Library provides public access to WESTLAW, a computer-assisted legal research service, so that all users can use WESTLAW in the Law Library at no cost to them. In this same way, the Law Library provides WESTLAW access to the entire judicial branch of government so that judges, clerks, and other judicial branch employees will have access to legal information at their fingertips. Additionally, the Law Library has its own computerized public access catalog known as *Aladdin*, which includes the online catalogs of the Jefferson County Public Law Library, the Montgomery County Public Law Library, and the Elbert Parsons Public Law Library in Huntsville. *Aladdin* can be accessed from the Law Library web site, www.alalinc.net.

The Law Library also maintains *Alalinc*, an information service providing access to electronic copies of Alabama's appellate court opinions as they are released. Opinions are fully searchable using an advanced search engine that allows users a large range of search capabilities. The Law Library manages a state-of-the-art computer training lab equipped with workstations to accommodate an instructor and up to 18 students. Library staff offers classes in basic computing, word processing, and Internet usage, while judicial branch agencies use the lab to train numerous state and local officials on various automation systems.

The Law Library serves as the archives for the appellate courts and is responsible for preserving and disseminating the judicial history of Alabama. The various museum areas and exhibits throughout the building are designed and created by law library staff, who also coordinate all judicial building tours.





Administrative Office of Courts

The Chief Justice of the Alabama Supreme Court is the chief administrative officer of the State's court system and is authorized to appoint an Administrative Director of Courts and other personnel to assist him in the performance of his administrative responsibilities. This constitutionally-created administration overseeing Alabama's Unified Judiciary is called the Administrative Office of Courts.

The Alabama Unified Judicial System is a state-funded court system consisting of the Supreme Court and two intermediate courts of appeal, the Court of Civil Appeals and the Court of Criminal Appeals. The system also includes the trial courts of general jurisdiction (the Circuit Courts) and the courts of limited jurisdiction (the District Courts, the Probate Courts, and the Municipal Courts). The Administrative Office of Courts (AOC), under the direction of the Administrative Director of Courts, is charged with providing the centralized, state-level administrative support necessary to the operation of the State court system, which includes the development of improved procedures and systems to increase the operational capacity of the courts, the collection and dissemination of information necessary for the development of policy and the efficient operation of the courts. Alabama was one of the first states in the nation to have a unified state court system with uniform procedures and centralized administrative services. The Unified Judicial System of Alabama has been in existence since 1977.

The Administrative Office of Courts carries out its responsibilities through a network of specialized divisions. This necessary link within the court system successfully implements plans addressing the training, educational and developmental needs of officials and employees of the Unified Judicial System. These tasks are implemented in part by and through the Alabama Judicial College, along with the support of statewide technological expertise and implementation of the Management Information Systems Division. The AOC also houses basic support departments such as Personnel and Finance, but there exists more specialized departments such as the Family Court Division (est. June 2001), the Trial Court Services Division and the Legal Division.

The AOC is most specifically made up of talented individuals from many walks of life serving the needs of their fellow citizens.

Alabama was one of the first states with a unified state court system along with uniform procedures and centralized administrative services.





Administrative Office of Courts

Divisions

Personnel

The Personnel Division provides services for the Unified Judicial System officials and employees, which consist of appellate judges and employees, trial court officials and employees and the Administrative Office of Courts' staff.

The Personnel Division must maintain 2,551 employee records and position control over 300 appointing authorities. Additional responsibilities are auditing court personnel payrolls and leave accounts, training, and counseling officials and employees on employment issues. The Personnel Division monitors and makes recommendations regarding classifications and pay ranges, updates personnel publications, recruits and tests for the judicial merit system.

Finance

The Finance Division is comprised of the following sections: expense accounting, grants, budgets, purchasing, payroll, the print shop, records and space management. In addition to fulfilling responsibilities in these areas, the Finance Division also provides technical assistance to the trial courts, resolves questions regarding appropriate dockets, fees and fines, and serves as liaison with the appellate courts regarding fiscal matters.

Legal / Education Division

The Legal Division is responsible for providing the Chief Justice, the Administrative Director of Courts and AOC with various legal matters regarding the daily operation and administration of the UJS. The division also assists court officials and employees by conducting research, participating in educational conferences, publishing legal manuals and handouts, processing retirements, developing forms, and coordinating committee activities, as well as providing judges and court officials with the latest appellate decisions, Attorney General opinions, and changes in statutory law and Alabama Supreme Court rules.

The Judicial College provides educational training programs, regional workshops, and conferences for court officials and employees. They also offer orientation programs for judges and clerks. The Judicial College coordinates monthly calendars of internal/external training opportunities and events.

Management Information Systems

Management Information Systems provides support necessary for the day-to-day business operations of the Unified Judicial System both in the trial courts and the Administrative Office of Courts. The Management Information Systems aids the enhancement of administrative functions using technology and coordinates with state agencies regarding sharing of services and information. This division also provides centralized child support processing for the state, which allows for interfacing with the Department of Human Resources. The Management Information Systems makes available public information to the criminal justice community, social and juvenile services and the public as a whole. Management Information Systems offers on-line services to all 67 counties at all court sites, juvenile offices and pardon and parole offices. Finally, Management Information Systems maintains current UJS applications as well as new developments and upgrades.

As a whole, this branch of the court system successfully implements plans addressing the training, educational and developmental needs of officials and employees of the Unified Judicial System.





Administrative Office of Courts

Divisions Continued





Budget of the Judiciary

The Finance Division at AOC is comprised of the following sections: expenses accounting (payment of purchases and services), purchasing (requisition and approval of purchases), grants management, payroll, printing, and the budget.

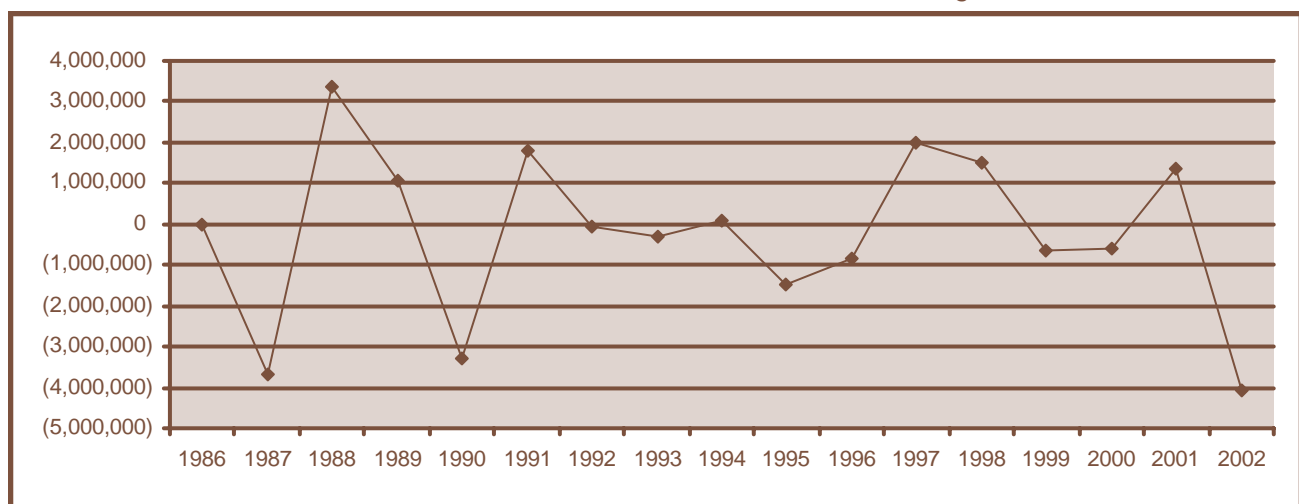
Budget responsibilities includes preparation of the budget request, preparation of an in-house working budget called the operations plan, and the management of that plan through the year. The budget request is submitted to the governor annually for review and for his judicial budget recommendation. His recommendation is included in the executive budget presented to the legislature where it can be enacted into law as recommended or as they see fit to alter. Once the budget becomes law, the operations plan is developed at a spending level that can maintain operations throughout the fiscal year.

The Unified Judicial System's FY 2002 budget was significantly inadequate for maintaining the previous years spending level. Although the budget increased approximately \$2.8 million, mandated and business costs increased \$6.8 million, creating a \$4 million shortfall. Efforts to obtain a supplemental appropriation in the FY 2002 regular legislative session failed.

In April of 2002, an across-the-board hiring freeze was in effect, all educational conferences were cancelled, all temporary employees (including 170 temporary judicial aides/bailiffs) were laid off, all out-of-state travel was cancelled, in-state travel, materials, supplies and equipment were severely restricted, and merit raises and promotions were suspended. In addition, jury trials were suspended, but later reinstated after the Governor contributed \$500,000 from the departmental emergency fund. These budget cuts allowed avoidance of the layoff of full-time employees and UJS was able to complete its fiscal year in the black.

When mandated cost increases are considered, the chart below shows an overall decline in the budget since FY 1986. In FY 2002, the UJS budget was \$4.3 million less than the FY 1986 general fund budget after mandates.

Cumulative Increases and Decreases in the UJS General Fund Budget After Mandates



In FY 2002, the UJS Budget is \$4.3 million LESS than the FY 1986 Budget (less mandates).

Judicial General Fund Appropriations *

	FY 2000-01	FY 2001-02	Incr./Decr.
Unified Judicial System	\$120,150,930	\$122,946,633	\$2,795,703
Supreme Court	\$7,895,380	\$8,261,497	\$366,117
Court of Criminal Appeals	\$3,537,280	\$3,784,544	\$247,264
Court of Civil Appeals	\$2,981,773	\$2,981,773	\$0
Supreme Court Library	\$1,808,533	\$1,612,523	(\$196,010)
Judicial Inquiry Commission	\$405,302	\$331,532	(\$73,770)
Total Judicial Budget	\$136,779,198	\$139,918,502	\$3,139,304

*Figures reflected do not include additional conditional appropriations.





Judicial Inquiry Commission and Court of the Judiciary

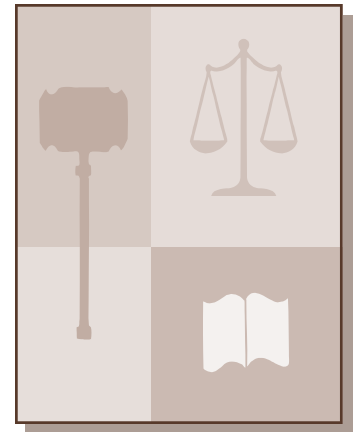
The Judicial Inquiry Commission has nine members. The Supreme Court appoints one appellate judge. The Circuit Judges' Association appoints two circuit judges. The Lieutenant Governor appoints one district judge who is subject to Senate confirmation. Two attorneys are appointed by the Board of Bar Commissioners. Three non-lawyer citizens are appointed by the Governor, subject to Senate confirmation. Commission members are appointed for terms of four years.

The Judicial Inquiry Commission considers and investigates complaints of misconduct made against judges of the State Judicial System. It has authority to receive and initiate its own complaints, conduct investigations, and file and prosecute complaints in the Court of the Judiciary. These complaints charge violations of the Alabama Canons of Judicial Ethics, misconduct in office, or failure to perform judicial duties. The Commission also renders advisory opinions to judges if needed.

The Court of the Judiciary is a nine-member body that hears complaints filed by the Judicial Inquiry Commission. The Court is composed of one judge from an appellate court, other than the Supreme Court of Alabama, who shall be selected by the Supreme Court of Alabama and shall serve as Chief Judge of the Court of the Judiciary. The Court also includes two judges from the circuit courts, who shall be selected by the Circuit Judges' Association; one district judge who shall be selected by the District Judges' Association; two members of the State Bar who shall be selected by the governing body of the Alabama State Bar; two persons who are not lawyers who shall be appointed by the Governor; and one person appointed by the Lieutenant Governor. Members appointed by the Governor and Lieutenant Governor shall be subject to Senate confirmation before serving.

The Court has the authority to enter the following sanctions for a violation of a Canon of Judicial Ethics: removal from office, suspension with or without pay, censure, retirement of a judge or such other sanctions as may be prescribed by law.

Decisions of the Court of the Judiciary may be appealed to the Supreme Court of Alabama, which reviews the record of proceedings on the law and the facts. The Supreme Court of Alabama adopts rules governing the procedures of the Court of the Judiciary. Counsel for the prosecution of cases before the Court of the Judiciary is provided by the State Attorney General's Office. The Clerk of the Court of Civil Appeals serves as secretary of the Court of the Judiciary.



Court of the Judiciary Members FY 2002

William C. Thompson
Court of Civil Appeals

David Rains
*Circuit Judge,
9th Judicial Circuit*

Robert G. Kendall
*Circuit Judge,
13th Judicial Circuit*

John J. Dobson
District Judge, Oneonta, AL

Nelson Vinson
Attorney at Law, Hamilton, AL

William D. Scruggs
Attorney at Law, Ft. Payne, AL

James L. North
Attorney at Law, Birmingham, AL

Sam Jones,
Mobile County Commission

Sue H. McInnish
Montgomery, AL





Circuit, District, Municipal & Probate

The Alabama Constitution, in addition to providing for the appellate courts of the State, provides for a trial court of general jurisdiction known as the Circuit Court; a trial court of limited jurisdiction known as the District Court; a Probate Court and such Municipal Courts as may be provided by law.

The State of Alabama is now divided into 41 judicial circuits, numbered and composed of counties. A 41st Circuit was created during fiscal year 2001 when the circuit formerly known as the 30th Judicial Circuit was split. Jury trials within the State of Alabama occur at the circuit court level.

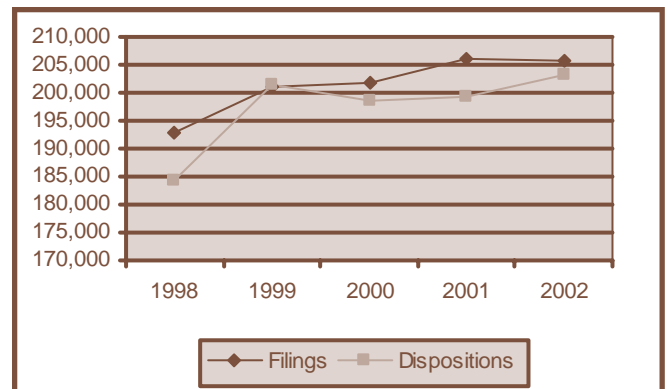
There is an office of the circuit clerk in each of the 67 counties and one in the Bessemer Division of Jefferson County. The duties of the circuit clerks include the issuance of process and the maintenance of all court records. The circuit clerk is responsible for the same duties as they apply to the district court when there is no clerk appointed to that office. There is currently only one district clerk in the State of Alabama.

Sessions of the district court are required to be held in each county seat. Although the district court is considered to be a "court of record," transcripts or reports of the proceedings of this Court are not required by law. All cases are tried without a jury.

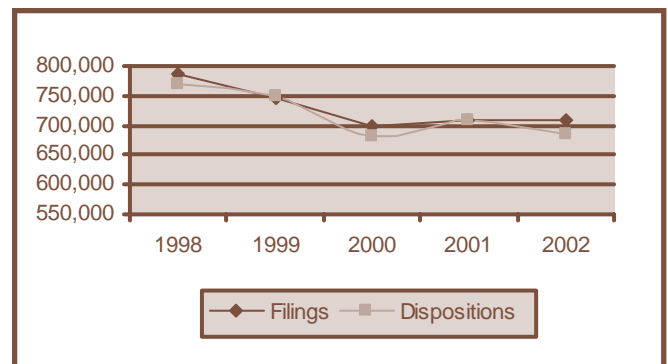
Any given municipality of the State of Alabama, if it elects to do so, holds its own court proceedings according to the limitations provided by law. If the municipal court is abolished by that governing body, jurisdiction is transferred to the appropriate district court.

The probate courts in each county of the State have original and general jurisdictions over very specific matters delineated by statute. While constitutionally a part of the Alabama Judicial System, the probate courts are not included in the system's budget and are administered locally by the respective probate judge. Funding is generated through the county governments or through fees generated in probate court.

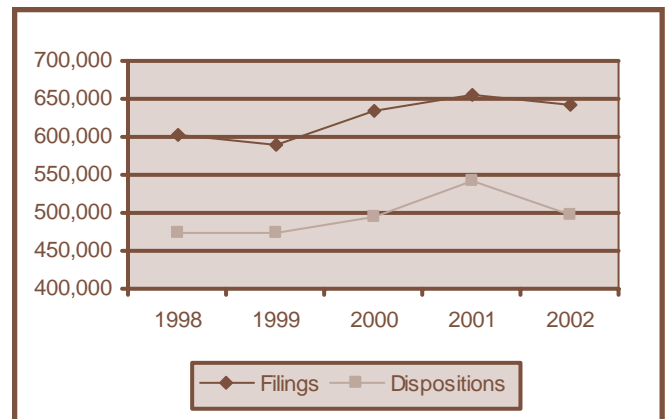
**ALABAMA CIRCUIT COURT
CASELOAD FY 1998-2002**



**ALABAMA DISTRICT COURT
CASELOAD FY 1998-2002**



**ALABAMA MUNICIPAL COURT
CASELOAD FY 1998-2002**





Alabama Judicial Circuits

